

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF OREGON

JAMES P. CHASSE, JR., et al., )	
Plaintiffs, )	
v. )	No. CV-07-189-HU
CHRISTOPHER HUMPHREYS, et al., )	AMENDED ORDER
Defendants. )	

HUBEL, Magistrate Judge:

On March 14, 2008, I heard argument on Plaintiffs' Third Motion to Compel against the City Defendants (#227), Plaintiffs' Fourth Motion to Compel against the City Defendants (#235), Plaintiffs' Fifth Motion to Compel Against the City Defendants (#239), Plaintiffs' Second Motion to Compel Against the County Defendants (#253), Plaintiffs' Second Motion to Compel against AMR (#247), and AMR's Motion for Protective Order (#257).

I ruled from the bench on most of the issues raised in the motions, and took a handful of them under advisement. See Record of Oral Argument (dkt #276). This Order contains my rulings on the issues taken under advisement.

1 I. Plaintiffs' Third Motion to Compel - City Defendants

2 Plaintiffs seek documents regarding the income and assets of  
3 individual defendants Humphreys and Nice. Some of plaintiffs'  
4 claims allow them to seek punitive damages from these individual  
5 defendants. I acknowledge that income and asset information may be  
6 relevant to a jury's determination of the appropriate amount of  
7 punitive damages in any given case.

8 The City defendants oppose the request because they will  
9 indemnify the individual defendants and thus, contend that the  
10 income and asset information for the individual defendants is  
11 immaterial.

12 In this case, the parties have not consented to trial by a  
13 Magistrate Judge. Thus, I make no decision as to what information  
14 or documents regarding the individual defendants' assets and  
15 income, or regarding the presence of an indemnification agreement,  
16 may be admissible at trial. At this point in time, I conclude that  
17 some information regarding the individual defendants' income and  
18 assets is discoverable, although this is not determinative of the  
19 information's admission at trial.

20 I order that Humphreys and Nice each prepare a simple  
21 statement of net worth, under oath, to be produced to plaintiffs.  
22 Each individual defendant's statement is to be produced subject to  
23 the Amended Protective Order in place in this case, with the added  
24 protection of Attorney's Eyes Only. Finally, plaintiffs'  
25 alternative motion in limine is reserved for the trial judge.

26 II. Plaintiffs' Fourth Motion to Compel - City Defendants

27 A. Use of Force & Related Underlying Documents

28 Plaintiffs request the use of force reports, and related

1 underlying documents, for Humphreys and Nice for the time period  
2 after September 17, 2006. In my October 16, 2006 Order regarding  
3 plaintiffs' earlier motions to compel, I ordered the City  
4 defendants to produce all "Use of Force" reports regarding  
5 Humphreys. I further ordered the City defendants to produce all  
6 police reports related to any tort claim notices, citizen  
7 complaints, or use of force reports which involved Humphreys.

8 The City defendants have failed to comply with this Order and  
9 now contend that all of the use of force and related documents, for  
10 either Humphreys or Nice, dated September 17, 2006 or later, are  
11 irrelevant. I find that the relevance of the documents for the  
12 time period after September 17, 2006, is questionable. However, as  
13 doubtful as the relevance might be for admission at trial, I order  
14 the production of the documents at issue in this motion for both  
15 Humphreys and Nice because of the slight possibility that they  
16 might lead to the discovery of admissible evidence related to  
17 plaintiffs' Monell claims.

18 B. Electronic Communications

19 The parties are continuing to confer on plaintiffs' motion  
20 regarding electronic communications by Humphreys, Nice, and Burton,  
21 for the corrected time period of September 16, 2006, to October 31,  
22 2006.

23 III. Plaintiffs' Fifth Motion to Compel - City Defendants

24 A. Use of Force Reports & Related Underlying Documents

25 This request is for the use of force reports and underlying  
26 documents of the "top twenty" officers (excluding Humphreys for  
27 whom these documents have been, or will be, produced), on a list of  
28 officers with the greatest number of use of force reports, and

1 additional officers from the Transit Division noted in the motion  
2 and accompanying filings.

3 I deny the motion. The value that these documents may have in  
4 leading to the discovery of admissible evidence is small. The City  
5 indicates that the burden of production is great, with the number  
6 of reports totaling somewhere between approximately 1200 and 2100.  
7 I conclude that the burden and expense of production outweighs the  
8 potential use and relevance of these documents.

9 B. Person and History Reports

10 Plaintiffs seek the "Person Reports" and "History Reports" for  
11 each of the officers for whom they seek use of force reports in the  
12 preceding request. For the reasons discussed in the previous  
13 paragraph, I deny the request.

14 IV. Plaintiffs' Motion to Compel - County Defendants

15 This motion seeks the income and asset documents of individual  
16 defendant Burton. For the reasons discussed above, I grant the  
17 motion in part and order Burton to prepare, under oath, a simple  
18 statement of net worth to produce to plaintiffs. It is subject to  
19 the Amended Protective Order, with the added condition of  
20 Attorney's Eyes Only. Plaintiffs' alternative motion in limine is  
21 reserved for the trial judge.

22 IT IS SO ORDERED.

23 Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2008.

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25  
26 \_\_\_\_\_  
27 Dennis James Hubel  
28 United States Magistrate Judge